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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/879,191	06/13/2001	Ippo Aoki	209820US2S	4044

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EXAMINER

ELAHEE, MD S

ART UNIT PAPER NUMBER

2645

DATE MAILED: 01/05/2004

5

Please find below and/or attached an Office communication concerning this application or proceeding.

TS

**Office Action Summary**

Application No.

09/879,191

Applicant(s)

AOKI ET AL.

Examiner

Md S Elahee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 03.                      6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Hasegawa (U.S. Patent No. 6,493,561).

Regarding claims 1, 5, 8 and 14, Hasegawa teaches memory means for storing identification information (i.e., system ID numbers), priority data items associated with the identification information (i.e., system ID numbers) and representing priorities assigned to the base stations, each to be used to disconnect (i.e., seize) one base station, and information representing types of service the base stations offer in a geographical area in which the base stations are operating (fig.6, fig.7; col.5, lines 51-67, col.6, lines 1-10, 22-46, col.12, lines 53-64, col.39, lines 16-26).

Hasegawa further teaches receiving means for receiving the broadcasted identification information (i.e., system ID number) (col.6, lines 22-46, col.12, lines 53-64).

Hasegawa further teaches that first seizing means for disconnecting (i.e., seizing) one of the base stations operating in the geographical area and having one of the received identification

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information (i.e., system ID numbers), in accordance with the priority data items, and for setting the apparatus in an idle state (fig.7; col.6, lines 22-46, col.12, lines 53-64, col.39, lines 16-26).

Hasegawa further teaches inputting a user's request for a desired type of service while the apparatus remains in the idle state (col.5, lines 51-67, col.6, lines 1-10, 22-46, col.38, lines 24-28, 59-67, col.39, lines 1-15).

Hasegawa further teaches decision means for referring to the contents of the memory means when the user's request is input to the input means, thereby determining whether the base station disconnected (i.e., seized) is offering the type of service the user has requested (col.5, lines 51-67, col.6, lines 1-10, 22-46, col.38, lines 24-28, 59-67, col.39, lines 1-26).

Hasegawa further teaches second disconnecting (i.e., seizing) means for disconnecting (i.e., seizing), based on the priority data items, one of the base stations offering the desired type of service in the geographical area including the base station disconnected (i.e., seized) by the first disconnecting (i.e., seizing) means, when the decision means determines that the base station disconnected (i.e., seized) by the first disconnecting (i.e., seizing) means does not offer the desired type of service (fig.6, fig.7; col.5, lines 51-67, col.6, lines 1-10, 22-46, col.12, lines 53-64, col.39, lines 16-26).

Regarding claims 2, 7, 10 and 18, Hasegawa teaches when the second seizing means has failed to seize the base station of the lowest priority, the second seizing means receives a system ID number, specifies a geographical area associated with the received system ID number, seizes one of the base stations operating in the specified geographical area, and sets the apparatus into the idle state (col.39, lines 16-50).

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Regarding claims 3, 6, 9 and 13, Hasegawa teaches that the memory means stores frequency data items associated with the respective base stations, for use in seizing base stations, and the second seizing means seizes a base station offering the user's request service type in accordance with the frequency data items when said decision means determines that the base station seized by the first seizing means is not offering the type of service the user has requested (col.5, lines 51-67, col.6, lines 1-10, 22-46, col.12, lines 53-64, col.39, lines 16-26).

Regarding claims 4, 12 and 15, Hasegawa teaches transmitting means for transmitting a service request signal generated from the user's request, to the base station seized by the second seizing means (col.5, lines 51-67, col.6, lines 1-10, 22-46, col.39, lines 16-26).

Regarding claim 11 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Hasegawa teaches detecting means for detecting the identification information (i.e., system ID number), from the received announcement information (i.e., control signals) (col.5, lines 51-67, col.6, lines 1-10, 22-46, col.17, lines 35-46, 57-65, col.18, lines 32-39).

Regarding claim 16 is rejected for the same reasons as discussed above with respect to claim 11.

Regarding claim 17 is rejected for the same reasons as discussed above with respect to claim 1.

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Matsumoto (U.S. Patent No. 6,556,822) teach Digital cordless telephone device

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which gives a warning to prevent unexpected termination of communication. Qing-An (U.S. Patent No. 6,529,733) teach Method of handoff control and a handoff control system using thereof.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alam Elahee whose telephone number is (703) 305-4822. The examiner can normally be reached on Mon to Fri from 9:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

M.E.  
MD SHAFIUL ALAM ELAHEE  
December 28, 2003

Allan Hoosain  
ALLAN HOOSAIN  
PRIMARY EXAMINER for  
Fan Tsang